



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
FAX (304) 284-7534 www.morgantownwv.gov

December 17, 2015

**VIA CERTIFIED MAIL
7008 1140 0002 2808 9950**

Chris Bailey
c/o Rising Sun Construction, LLC
2203 Circle Drive
Morgantown, WV 26505

**RE: V15-74 / Rising Sun Construction, LLC / 1213 Macomb Street
Tax Map 48B, Parcel 21**

Dear Mr. Bailey:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition relating to the proposed development at 1213 Macomb Street. The decisions are as follows:

Board of Zoning Appeals, December 16, 2015:

1. Two (2) of the four (4) findings of fact were found in the negative as stated in Addendum A of this letter.
2. The Board denied the subject variance based on the above referenced negative findings and conclusions.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

Should you have any questions or require further clarification, please contact the undersigned.

Respectfully,

Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact
V15-74 / Rising Sun Construction, LLC / 1213 Macomb Street

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The overhanging roofline does not interfere or change the surrounding environment or use of said environment since the roofline is low-lying and will only be utilized as weather protection for the new porch/deck area.

Finding of Fact No. 2 – The variance does NOT arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

Said improvements created a self-imposed hardship.

Finding of Fact No. 3 – The variance will NOT eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Said improvements are determined to be a self-imposed hardship.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The proposed roof over the rear patio is low in relation to the surrounding houses and will not be easily distinguished in comparison to the other houses in the neighborhood. Therefore this variance should not negatively affect the surrounding houses.